

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**ERNESTO CARRILLO-RAMIREZ, JOSE
DELGADO-PALOMERA, NESTOR DELGADO-
ZAMORANO, OSCAR PACHECO-SANTANA,
VICTOR SANCHEZ-JAIMES, JOEL
TAPIA-RUIZ, ADAN ESPARZA-HARO,
and FRANCISCO ROBLES-CASILLA,**

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:15-CV-00409-CWR-FKB

**CULPEPPER ENTERPRISES, INC., KATHY
CULPEPPER**

DEFENDANTS

**ORDER STRIKING
MOTION FOR SANCTIONS AND MOTION TO DISMISS**

Before the Court, *sua sponte*, is Kathy Culpepper's Motion for Sanctions and Motion to Dismiss [148]. Also before the Court is Plaintiffs' Motion to Hold in Abeyance the Deadline to Respond [149].

Ms. Culpepper previously employed counsel to represent her in this matter. However, the Court permitted her attorney to withdraw on August 10, 2016. [118]. Since that time, Ms. Culpepper has proceeded *pro se*. On March 28, 2017, her son, Daniel Brannon White, filed motion [148], claiming that he was filing the motion on behalf of his mother, Kathy Culpepper, via a "power of attorney." [148] at 15-16. The motion seeks sanctions against Plaintiffs' counsel and dismissal of the case.

Mr. White is not an attorney. It is well-established that a "non-lawyer cannot represent another person in federal court." *Pinkston v. Smith*, 2015 WL 7289501, *1 (S.D. Miss. Nov. 17, 2015)(citing *Gonzales v. Wyatt*, 157 F.3d 1016, 1021 (5th Cir. 1998)). "In federal court a party can represent herself or be represented by an attorney, but she cannot be represented by a non-lawyer."

Aduddle v. Livingston, No. Civil Action No. H-06-3088, 2006 WL 2934998, at *2 (S.D. Tex. Oct. 12, 2006)(citing *Gonzales*, 157 F.3d at 1021 (5th Cir.1998)). A non-lawyer cannot represent another individual in federal court by using a “power of attorney.” *See id.* (where plaintiff’s husband sought to represent his wife based on a “special power of attorney”).

Accordingly, the motion [148] filed by Daniel Brannon White, a non-party and non-lawyer, is hereby terminated. As the motion [148] is now terminated, no response is required and Plaintiff’s motion [149] is rendered moot.

SO ORDERED this the 28th day of February, 2018.

/s/ F. Keith Ball
UNITED STATES MAGISTRATE JUDGE